

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
(Eastern Division)

CHARLES JOHNSON and  
GOT NEWS, LLC

Plaintiffs,

V.

GAWKER MEDIA, LLC, J.K. TROTTER, :  
and GREG HOWARD :

Defendants.

Case No. 4:15-cv-01137-CAS

**PLAINTIFFS' MOTION FOR LEAVE TO FILE RESPONSE OUT OF TIME**

COME NOW Plaintiffs Charles C. Johnson and Got News, Inc. (together, “Plaintiffs”), by and through their undersigned counsel, pursuant to Fed. R. Civ. P. 6(b)(1)(B) and move that this Court grant them leave to file their Responses to Motions to Strike (California Anti-SLAPP), Transfer and Dismiss filed by Defendants Gawker Media, LLC, J.K. Trotter, and Greg Howard (together, “Defendants”), out of time and grant an extension of time. In support of this Motion, Plaintiffs state:

1. On August 24-25, 2015, Defendants filed multiple motions/memoranda, including motions to strike, dismiss, and transfer venue, along with a multitude of exhibits and materials.
2. On August 31, 2015 the Parties entered a Joint Motion for Extension of Time to File a Response/Reply, and stipulating to a Plaintiffs' response due date of October 2, 2015, with Defendants' reply due date to be October 23, 2015, and this Court granted the motion.

3. On September 29, 2015 the Parties again entered a Joint Consent Motion to Extend Time to Respond, with Plaintiffs' Response due date altered to October 5, and Defendants' Reply due date altered to October 26, and this Court granted the motion.

4. On Oct. 5, 2015, the Parties again entered a Joint Consent Motion to Extend Time to Respond, with Plaintiffs' Response due date altered to October 9, 2015, and Defendants' Reply due date altered to October 30, 2015, and this Court granted the motion.

5. Plaintiffs' were unable to complete their Response by October 9, 2015.

6. Plaintiffs' counsel's intent in seeking small time extensions was in the hope, at each instance, that the time extension would be as modest as possible.

7. Plaintiffs' counsel was over-optimistic in estimating time.

8. Plaintiffs' counsel notes that in retrospect, and given some of the unique elements of this matter and attendant technological issues, on September 29, he should have simply sought a fourteen (14) days extension.

9. At all times, including after October 9, and through the present date, Plaintiffs' have been diligently and energetically endeavoring to complete their Response.

10. Plaintiffs' are humbly requesting leave to file their responses by midnight on October 16, 2015.

11. Plaintiffs do not seek this leave out of bad faith or for the purposes of delaying this case.

12. Plaintiffs note the relatively small nature of the delay, and do not believe judicial proceedings will be negatively impacted.

13. Counsel for Plaintiffs and Defendants have been communicating in good faith regarding deadlines, and have jointly filed multiple Motions for Extended Briefing Schedules, further demonstrating that the Parties have communicated in good faith regarding response deadlines and are not seeking leave to file out of time for the purpose of causing undue delay or prejudice to Defendants.

14. Plaintiffs have notified Defense counsel that Plaintiffs will certainly consent to allowing Defendants a similar extension to respond to Plaintiffs' responses, and to accommodate their needs as necessary, as a showing of good faith.

15. A proposed Order is attached hereto.

WHEREFORE, Plaintiffs humbly move the Court to approve Plaintiffs above-proposed extension of time for Plaintiffs to file their Response to Defendants' various motions.

**Respectfully submitted,**

**THE BURNS LAW FIRM, LLC**

/s/ John C. Burns  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served, via the Court's electronic notification system, on October 13, 2015, upon all parties of record.

/s/ John C. Burns

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CHARLES JOHNSON and  
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PlaintiffS,

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GAWKER MEDIA, LLC, J.K. TROTTER, :  
and GREG HOWARD :

DefendantS.

Case No. 14:15-cv-001137

## ORDER GRANTING PLAINTIFFS' MOTION TO FILE OUT OF TIME

Upon motion of plaintiffs and for good cause shown, the Court grants Plaintiffs' request for Leave to Respond to Defendants' Motion to Dismiss the Complaint (Doc. 14) and Defendants' Special Motion to Strike the Complaint Pursuant to The California Anti-SLAPP Law (Doc. 20) out of time, thereby extending Plaintiffs' time to file Responses to midnight on Monday, October 16, 2015.

Date:\_\_\_\_\_

SO ORDERED:

Hon. Charles A. Shaw  
United States District Judge